



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.OP.Nos.3781 & 3115 of 2020

and CRL.M.P.Nos.2235 & 2890/2020

1.Sudhagar Naidu

2.Siva Kumar

3.Geetha

4.Rajendran

...petitioners in Crl.O.P.No.3781/2020

S.Ramesh

...petitioners in Crl.O.P.No.3115/2020

Versus

State Rep. by

The Inspector of Police,

District Crime Branch / Anti Land Grab Special Cell,

Namakkal District.

(Cr.No.2 of 2020)

...Respondent in both petitions

S.SHAFFIULLA

... PETITIONER/INTERVENER ORDERED AS PER
ORDER OF THIS COURT DATED 28/07/2021
MADE IN CRL.M.P.Nos.2235 & 2890/2020

COMMON PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners (A-1, A-3, A-4 and A5) on anticipatory bail in the event of arrest by the respondent Police in Crime No.2 of 2021 dated 03.02.2020 on the file of the respondent Police.

For petitioner in
Crl.O.P.No.3781/2020

: Mr.L.Mouli

For petitioner in
Crl.O.P.No.3115/2020

: Mr.Silambanan, Senior counsel
for Ms.Kaavya Silambanan

For Respondent
in both petitions

: Mr.C.E.Pratap
Government Advocate (Crl. Side)

For Intervenor
in both petitions

: M/S R.MARUDHACHALAMURTHY



COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 120B, 420, 294(b), 506(i) IPC in Cr.No.2 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there is a business dispute in between the petitioners and the defacto complainant. It is alleged that the defacto complainant had good business relationship for the past 10 years with the accused and by using the same, the petitioners canvassed the defacto complainant to invest money in their business. Believing their words, the defacto complainant has transferred a sum of Rs.2,07,87,133/- on different dates. Thereafter, the petitioners did not return the amount and when it was asked, they had threatened the defacto complainant with dire consequences.

3.The learned Senior counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Further the learned Senior Counsel submitted that in the business transaction for over ten years, the defacto complainant had transferred a sum of Rs.1 Crore and 60 lakhs to the petitioner, out of which, the petitioners have already paid a sum of Rs.46 lakhs. However, on their own volition are ready and willing to deposit a sum of Rs.60,00,000/- to the credit of the Crime Number, if he withdraw the complaint. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. Mr.R.Maruthachalam, learned counsel appearing for the intervenor vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl.Side) submits that there are no previous cases pending against the petitioners and the investigation is pending.

6. Considering the nature of the case and based on the undertaking given by the petitioners to deposit the amount, I am inclined to grant bail to the petitioners .

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruchengode, Namakkal District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners shall make deposit of Rs.60,00,000/- (Rupees Sixty Lakhs only) to the credit of Cr.No.2/2020 on the file of the respondent within a period of four weeks from the date of receipt of a copy of this order, without prejudice to their defence before the trial Court. The concerned Magistrate, shall accept the sureties furnished by the petitioners on such deposit being made and proof filed by the petitioners ;

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

28/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



1 THE JUDICIAL MAGISTRATE,
THIRUCHENGODE, NAMAKKAL DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
DISTRICT BRANCH/ANTI LAND GRAB SPECIAL CELL,
NAMAKKAL DISTRICT.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAMAKKAL

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.KAAVYA SILAMBANAN Advocate on payment of necessary charges

CC to M/S.L.MOULI Advocate on payment of necessary charges
SR.7898

+2 CC to M/S.R.MARUDHACHALAMURTHY Advocate on payment of
necessary charges Sr.Nos.7855 & 7821

CRL OP.Nos.3781 & 3115 of 2020

and

CRL.M.P.Nos.2235 & 2890/2020

Date :28/07/2021

RVR 17/08/2021